

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROMEL MURPHY,

Defendant.

No. 20-CR-6-CJW-MAR

ORDER TO SHOW CAUSE

This matter was set for sentencing on October 6, 2021. The day before, defense counsel contacted the Court by phone to inform the Court defense counsel had a possible exposure to COVID-19 on October 4, 2021, and inquired as to how the Court would like to proceed. The Court replied by email to both counsel that the hearing would not be continued. Then after 5:00 p.m. on October 5, 2021, defendant filed a motion to continue the sentencing hearing. (Doc. 55). The motion did not comply with Local Rule 7(k) because defense counsel did not consult with government counsel about the motion. On the morning of October 6, 2021, the Court denied the motion to continue. (Doc. 56). Defendant and defense counsel failed to appear at the scheduled sentencing hearing.

The Court convened for the sentencing hearing and made a record of the many times defense counsel had sought continuances of hearings in this case, often based on his personal issues. The latest, last-minute attempt to continue the sentencing hearing came on the heels of many other last-minute motions to continue and to extend deadlines, as well as at least one instance of completely missing a deadline. Defense counsel did not have permission from the Court to not appear at the sentencing hearing as ordered.

Thus, the Court hereby orders defense counsel, Jeffrey Steinback, to appear at a hearing to show cause why he should not be held in contempt of the Court's order scheduling the sentencing hearing.

As part of the show cause hearing, the Court orders defense counsel to produce ex parte for in camera inspection **on or before October 18, 2021**, the following documents:

1) all correspondence with defendant about defense counsel's attempt to continue and defendant's need to appear at the sentencing hearing set for October 6, 2021;

2) defense counsel's billing records for all clients for the dates of October 6, 2021, through October 11, 2021;

3) defense counsel's calendar entries for the dates of October 6, 2021, through October 11, 2021.

4) all medical records pertaining to defense counsel's "back spasms" that required a last-minute continuance of the sentencing hearing scheduled for September 24, 2021;

5) all medical records pertaining to defense counsel's evaluation and testing for COVID-19 in relation to the October 6, 2021, sentencing hearing.

These documents can either be provided by email to Sali_vanweelden@iand.uscourts.gov or if they are too voluminous to email, then by hard copy.

The show cause hearing will take place on **Wednesday, October 20, 2021**, immediately following the defendant's sentencing hearing. Defendant's presence is not required as the show cause hearing pertains to defense counsel, not defendant. The Court finds no fault on the part of defendant for the failure of the October 6, 2021, sentencing hearing to take place as scheduled.

Counsel for the government is requested to appear at the show cause hearing in case it is necessary to provide the Court with additional information about communication with defense counsel.

IT IS SO ORDERED this 14th day of October, 2021.



C.J. Williams
United States District Judge
Northern District of Iowa